

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GENE ALLEN,)
Plaintiff,) 2:12-CV-00998-PMP-RJJ
vs.) ORDER
NEVADA DEPARTMENT OF)
CORRECTIONS, *et al.*,)
Defendants.)

This is an action initiated by Gene Allen, a state prisoner, who has submitted a complaint, but has not filed an application to proceed *in forma pauperis* or paid the \$350 filing fee. Mr. Allen has long since been declared in violation of the three strikes provision of 28 U.S.C. § 1915(g). *See* CV-N-03-0576-HDM(VPC). As a result, plaintiff is required to pay the full filing fee or demonstrate that he is under imminent danger of serious physical injury. Plaintiff, who has filed many actions since being assigned his third strike, is well aware of this requirement and, it appears, in anticipation of this requirement, the final statement in the complaint states: “Imminent Danger of Serious Injury. There are no sex offenders on this yard transported for court only.” Complaint, p. 3. This statement is inadequate to suggest plaintiff is in imminent danger of serious injury. Moreover, the substance of the complaint does not implicate plaintiff’s physical safety. Rather it appears to attempt to co-mingle claims sounding

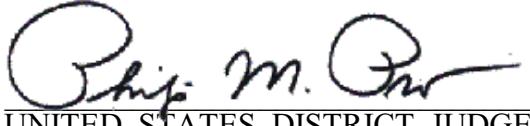
1 in both habeas corpus and in civil rights. This action shall be dismissed without prejudice for failure to
2 pay the filing fee under 28 U.S.C. § 1915(g).

3 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice.

4 The Clerk shall enter judgment accordingly.

5 Dated, this 14 day of June, 2012.

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UNITED STATES DISTRICT JUDGE